

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

J. DOES 1-26,

Plaintiffs-Appellees,

v.

ELON MUSK, in his official capacity; UNITED
STATES DOGE SERVICE; DEPARTMENT
OF GOVERNMENT EFFICIENCY,

Defendants-Appellants.

No. 25-1273

JOINT STATUS REPORT

On June 9, 2025, the Court granted the government’s motion to hold this appeal in abeyance “for the district court to resolve the motion to dismiss or otherwise issue any subsequent appealable order” and directed the parties to file regular status reports. On October 2, 2025, the Court granted the government’s motion to stay the status update schedule in light of the lapse of appropriations. On November 17, 2025, the Court directed the parties to resume filing regular status updates, beginning December 17, 2025.

On August 13, 2025, the district court denied the government’s motion to dismiss. On October 2, 2025, the government filed a motion for leave to pursue an interlocutory appeal under 28 U.S.C. § 1292(b). Defendants filed an opposition to that motion on October 16, 2025, and the government filed a reply on October 30,

2025. Separately, on November 21, 2025, the government moved for a protective order to preclude depositions of Elon Musk, Peter Marocco, and Jeremy Lewin, and defendants filed an opposition to that motion on November 25, 2025. The district court has not yet decided either motion. The government respectfully requests that this Court continue to hold this appeal in abeyance pending further developments in district court.

Respectfully submitted,

MARK R. FREEMAN
MELISSA N. PATTERSON
ADAM C. JED

/s/ Pooja Chaudhuri
Pooja Chaudhuri
Tianna J. Mays*
Norman L. Eisen*
DEMOCRACY DEFENDERS
FUND
600 Pennsylvania Avenue SE,
Suite 15180
Washington, DC 20003
Tel: (202) 594-9958
Pooja@statedemocracydefenders.o
rg
Norman@statedemocracydefender
s.org
Tianna@statedemocracydefenders.
org

Mimi Marziani*
Rebecca (Beth) Stevens*
Joaquin Gonzalez*
MARZIANI, STEVENS &
GONZALEZ PLLC
500 W. 2nd Street, Suite 1900
Austin, TX 78701
Tel: (210) 343-5604
mmarziani@msgpllc.com
bstevens@msgpllc.com
jgonzalez@msgpllc.com

Richard M. Heimann*
Nicole M. Rubin*
LIEFF CABRASER HEIMANN
& BERNSTEIN, LLP
275 Battery Street, 29th Floor

/s/ Cynthia Barmore
CYNTHIA BARMORE
Attorneys
Civil Division, Appellate Staff
U.S. Department of Justice
950 Pennsylvania Ave., N.W., Rm.
7529
Washington, D.C. 20530
202-305-1754
cynthia.a.barmore@usdoj.gov

Counsel for Defendants-Appellants

San Francisco, CA 94111
Tel: (415) 956-1000

**admissions application
forthcoming*

Counsel for Plaintiffs-Appellees

DECEMBER 2025

CERTIFICATE OF COMPLIANCE

I hereby certify that this document complies with the word limit of Federal Rule of Appellate Procedure 27(d) because it has been prepared in 14-word Times New Roman, a proportionally spaced font, and it contains 206 words according to the count of Microsoft Word.

/s/ Cynthia Barmore
CYNTHIA BARMORE

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2025, I filed and served the foregoing by causing a copy to be electronically filed with the Clerk of Court via the appellate CM/ECF system.

/s/ Cynthia Barmore
CYNTHIA BARMORE